

EFS  
Confirmation No.: 6389  
Appl. No. 10/568,790  
Amendment dated February 9, 2010  
in response to Office Action dated August 12, 2009

Docket No. 34315/225

**AMENDMENTS TO THE DRAWINGS:**

The attached sheet of drawings include formal versions of FIGS. 1, 2A, 2B, 4 and 5 and replaces the original sheet of drawings including FIGS. 1, 2A, 2B, 4 and 5.

### **REMARKS**

Claims 1, 3, and 6-10 are pending. By this Amendment, claims 16 and 17 are canceled, and the Drawings, the Specification and claim 1 are amended.

Reconsideration based on the following remarks is respectfully requested.

#### **I. The Drawings Satisfy All Formal Requirements**

The Office Action objects to the drawings based on informalities. FIGS. 1, 2A, 2B, 4 and 5 are replaced with formal drawings to obviate this objection. Withdrawal of the objections to the drawings is respectfully requested.

#### **II. The Description Satisfies All Formal Requirements**

The Office Action objects to the description based on informalities. In order to obviate this objection, the Summary of the Invention section is amended to be commensurate in scope with the claimed invention. Withdrawal of the objection to the description is respectfully requested.

#### **III. The Claims Satisfy All Formal Requirements**

The Office Action objects to the claims based on informalities. Claim 1 is amended to obviate this objection. Withdrawal of the objection to the claims is respectfully requested.

**IV. The Claims Satisfy the Requirements of 35 U.S.C. 112, Second**

**Paragraph**

The Office Action rejects claims 1, 3, 6-10, 16 and 17 under 35 U.S.C. 112, second paragraph as being indefinite. Claim 1 is amended to obviate this rejection. Withdrawal of the rejection under 35 U.S.C. 112, second paragraph is respectfully requested.

**V. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 1, 3, 6-10, 16 and 17 under 35 U.S.C. 102(b) over Trokhan et al. (U.S. Patent No. 5,547,747). This rejection is respectfully traversed.

Trokhan does not disclose or even suggest an absorbent article including, *inter alia*, a core interposed between a cover layer and a barrier layer, the core having a first surface closest to the barrier layer and a second surface opposite the first surface and closest to the cover layer, wherein a superabsorbent polymer is applied to the core in a pattern, and concentration of the superabsorbent polymer varies through a thickness of the core from the first surface to the second surface, with the highest concentration of the superabsorbent polymer being at a portion of the first surface of the core closest to the barrier layer and the second surface of the core being devoid of the superabsorbent polymer, as recited in claim 1. As explained in the present application, this configuration is effective in preventing gel blocking in the area of the core that is in initial contact with the body fluid.

The Trokhan '747 patent discloses a method of forming an absorbent structure including forming regions of topographically different elevations on a capillary substrate,

and then applying an absorbent onto elevated regions of the substrate so that patterns of absorbent are formed on the substrate. See col. 2, lines 38-64 of the Trokhan '747 Patent. Although the Trokhan '747 patent discloses some areas on the surface of the core including absorbent and other areas being devoid of absorbent, the patent does not disclose an entire surface being devoid of absorbent, as now required by the claimed invention.

For at least these reasons, it is respectfully submitted that independent claim 1 is in condition for allowance. The dependent claims are also in condition for allowance for the reasons discussed as well as for the additional features they recite.

Prompt and favorable consideration of the application is respectfully requested.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP  
Attorneys for Applicants  
90 Park Avenue  
New York, NY 10016  
(212) 336-8000

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By:     /Benjamin M. Halpern/      
Benjamin M. Halpern  
Registration No.: 46,494